

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Land Acquisition – General - B.G.Line – Guntur Mandal – Nallapadu Village – Acquisition of land for construction of MG line to B.G.Line – S.No.666/2 etc. to an extent of AC.30.06 cents acquired in Award No.29/86, dated 15.09.1986 – Awardees received the compensation under protest and their claims were sent to Civil Court – Civil Court enhanced the compensation in LAOP No.163/87 to 205/87 (43 Batch Cases) – Appeals filed before the Hon'ble High Court – Proposals for release of decretal amount – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Rt.No. 413

Dated:07.05.2011.

Read the following:-

1. G.O.Rt.No.956, TR&B (B.II) Dept. dated 27.08.2003.
2. From the Collector and District Magistrate, Guntur,
Letter Rc.No.332/2003-G1, Dated 29.10.2010.

ORDER:

The Collector and District Magistrate, Guntur has informed that an extent of Ac.30.06 Cents. of land in Survey No.666-2 etc. was acquired in Nallapadu Village of Guntur Mandal and District in Award No.29/86, dated 15.09.1986 for conversion of M.G.Line to B.G.Line, awarding an amount of Rs.20,000/- per acre along with other benefits. The awardees received the compensation under protest and their claims were sent to Civil Court U/s 18 for adjudication of Market Value.

2. The Principal Senior Civil Judge, Guntur enhanced the compensation from Rs.20,000/- to Rs.30,000/- per acre with interest @ 9% per annum on the enhanced compensation from the date of award till one year and thereafter 15% per annum for subsequent years till the date of realization of LAOP No.163/87 to 205/87 (43 Batch Cases) dated 27.11.2000. The Hon'ble Court further ordered that the claims are awarded an amount calculated at the rate of 12% per annum towards additional market value and also solatium at 30% on enhanced market value without any interest.

3. The Collector, Guntur has further informed that the Government filed the appeals against the decree and judgment of civil court on the compensation enhanced by the Civil Court in the High Court of Andhra Pradesh, Hyderabad. The Hon'ble High Court of Andhra Pradesh, Hyderabad issued interim orders to deposit half of the decretal amount within 6 weeks from 12.08.2002 and as per the orders of the Hon'ble High Court, the Government in the reference 1st read above, has allotted an amount of Rs.1,15,284-90. The Collector stated as no sanction orders have been received, no amount has been drawn and adjusted towards decretal charges. In the meanwhile, the High Court of Andhra Pradesh in A.S.No.731 of 2004, dated 30.11.2004 has ordered confirming the lower court order and decree and the appeals preferred by the Government were dismissed.

4. The Collector further stated that the Government Pleader for Appeals, High Court of Andhra Pradesh, Hyderabad who was consulted in the matter for feasibility of filing an appeal against the orders on Hon'ble High Court, has informed that the Hon'ble High Court dismissed the appeals preferred by State on the plea that the State Government ought not to have preferred the appeal in view of its trivial and insignificant value included in it, therefore the judgment under opinion is not a fit case to prefer further appeal to Hon'ble Supreme Court of India and advised to settle the amounts at the earliest so as to avoid burden on the state exchequer an amount of interest.

5. The Revenue Divisional Officer, Guntur prepared the calculation sheets in LAOP No.163/87 to 205/87 (43 Batch Cases) by calculating the interest up to 15.11.2010 on the enhanced market value as per the direction of the Hon'ble Court for release of an amount of Rs.15,19,701-13 to be deposited/payment of decretal charges. Has deposited the decretal amount of Rs.59,330/- on 19.07.2007 from the available funds under Land Acquisition and submitted decretal proposal for reimbursement of decretal amount. The calculations are made according to the orders of the High Court and decree passed by the lower court and also as per the instruction of the Special Chief Secretary, Social Welfare, A.P., Hyderabad and confirmed that no amount has been paid earlier towards decretal charges except award amount. Therefore, the Collector Guntur has requested the Government for sanction of an amount of Rs.15,19,701/- for the above LAOPs.

6. Government after careful examination of the matter hereby accord sanction for an amount of Rs.15,19,701/-(Rupees Fifteen lakhs nineteen thousand seven hundred and one only) towards the decretal charges as per the orders in LAOP No.163/87 to 205/87 (43 Batch Cases).

7. The expenditure sanctioned in Para 6 above, shall be debited to "5054 – Capital Outlay on R&B – 80 General. – 800 Other Expenditure – S.H.(04) Construction of Roads and Bridges under Railway Safety Works – 530 Major Works – 532 Lands (Charged) and shall be met initially as an advance from Contingency Fund Orders regarding which will be issued by Finance (BG) Department separately.

8. The Engineer-in-Chief, R&B (NH, Admn.), Hyderabad is requested to take necessary further action accordingly in the matter.

9. The Engineer-in-Chief, R&B (NH, Admn.), Hyderabad is requested to take action for obtaining supplementary grant at appropriate time during 2011-12 towards recoupment to the advance sanctioned from Contingency Fund.

10. This order issues with the concurrence of Finance Department vide their U.O.No.8585/311/Exp.PWD/A2/2011, Dated:30.04.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Guntur.

The Account Assistant General, Andhra Pradesh, Hyderabad

The Director of Treasuries & Accounts, Hyderabad

The Director of Works Accounts, Hyderabad.

Copy to:

Chief Commission Land Administration, Andhra Pradesh, Hyderabad.

Engineer in Chief, R&B (NH, Admn.), Hyderabad.

The District Treasury Officer, Guntur/ PAO, Guntur.

The Revenue Divisional Officer, Guntur.

The Finance (Expr.PWD) Department/Finance (BG) Dept.

SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER